Guide to Family Court Proceedings for those who have experienced domestic abuse

OCTOBER 2024

Here are 5 key steps you should take before attending court

There are people who can help!

1. If you are unsafe call the police.

2. Before you go to court, get advice. This guide includes details of many organisations who can help you. See here.

3. Please contact witness support at court to arrange for protective measures in court such as screens and separate entrances. Email: WLO-Bristol-County@justice.gov.uk

4. Please note you can take a friend to court and you can ask them to go into court with you.

5. You can take your Independent Domestic Abuse Advocate with you and they can go into court with you even if you are going with a friend.

This guide is an attempt to help you through this difficult process. We hope it helps.
Please do contact us if you have any comments on it.

Acknowledgements

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Design of document by Elizabeth Katherine Townson.

Please send any feedback and comments to Cathryn@voicescharity.org
We will review those comments and use them to guide changes required.

This guide contains flow charts to help your way though court, detailed guides to each stage and attempts to answer your questions

Contents

5 Part A | Who this guide is intended for

6 Part B | What is domestic abuse?

8 Part C | What is the role of The Family Court?

11 Part D | Frequently asked questions about proceedings in the family court

17 Part E | Personal protection and occupation of the family home ('Non-molestation orders\ and 'Occupation orders')

25 Part F | Orders about children (including 'Child Arrangements Orders')

40 Part G | Frequently asked questions about proceedings concerning children where there are allegations about domestic abuse

60 List 1 | Organisations that can help and support you to deal with domestic abuse

63 List 2 | Local firms of solicitors which offer full legal advice and representation

69 List 3 | Local law clinics which can offer free initial advice

70 List 4 | Local Family Courts

71 List 5 - Appeals, Slips & Complaints

74 Index

PART A | Who this guide is intended for?

A1 Who this guide is intended for?

The aim of this guide is to support you if you have experienced domestic abuse and need an order from the Family Court to protect you and your children.
This guide has been designed to answer some of the questions you will have around the court process.

Although the guide cannot provide you with personal legal advice, it does explain how and where you can access the support and the legal advice that you need.

A2 Where can you access support and legal advice?

At the end of this guide, there is a list of local organisations, solicitors' firms and law clinics that specialise in Family and Child Law and domestic abuse.
(You'll find a list of these firms here.)
As you will see, some charitable organisations help particular groups of people.
Please do think about who might be able to help you in the best way. If one organisation cannot help, they will put you in contact with one who can.
The most important thing is to access support as soon as possible.

PART B | What is domestic abuse?

B1 What is domestic abuse?

Domestic abuse can happen to anyone regardless of age, background, gender, sexual orientation, faith or ethnicity.

Domestic abuse may involve violence but it does not have to. It is wider than that and can include financial abuse, 'honour' based violence, forced marriage, female genital mutilation, and emotional, psychological and mental abuse.

It can be a single incident or a pattern of incidents of controlling or coercive behaviour, threatening, degrading and violent behaviour, including sexual violence and rape. It can be committed by a partner or ex-partner and also by a family member.

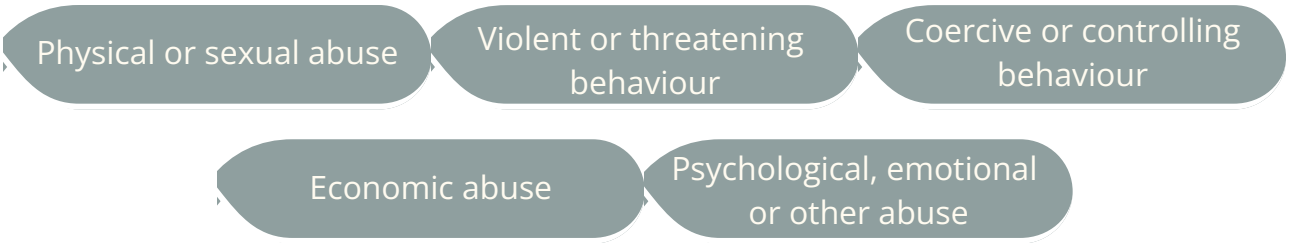
Domestically abusive behaviour can be and often is a criminal offence. You can report your abuser to the Police.

B2 Are you a victim/survivor of domestic abuse?

Are you and the other party aged 16 or over?

- Are you and the other party 'personally connected' to each other?
- To be 'personally connected,' you and the other party must be or have been: married to each other or civil partners of each other; or
- engaged to marry one another or enter into a civil partnership agreement with one another (even if that agreement has since come to an end); or
- in an intimate personal relationship with each other; or
- parents of the same child or have/ have had parental responsibility for the same child; or
- relatives.

- Has the other party been abusive towards you or, perhaps, your child?
- The following behaviours amount to abuse, and it does not matter whether the behaviour consists of a single incident or a course of conduct:



PART B | What is domestic abuse?

B3 If you (or someone you know) is in immediate danger, call:

Police
999 or 101
If you have a hearing or speech impediment, use the Police textphone service on **1800101**

You can also contact the organisations below:

B4 If you do not feel safe, you can seek help from the following:

Refuge (National Domestic Abuse Helpline)	Rights of Women	Women's Aid	Men's Advice Line
ManKind	GALOP (LGBTQ+)	Iranian & Kurdish Women's Rights	Karma Nirvana
Opoka	Paladin (stalking)	Sign Health	Sistah Space
We are Hourglass	Woman Kind Bristol	Nextlink	Nilaari
One 25	Safelink	Sarsas	Solicitor or Law Clinic

The contact details of each of the above along with more local services are shown towards the end of this guide (Lists 1 and 2).

PART C | What is the role of the Family Court?

C1 What is the role of the Family Court?

The role of the Family Court is to make decisions (called 'orders') regarding children, families and family finances.

For example, you might need an order:

- To stop someone from hurting you or your children or from intimidating you or interfering with your life in an unwanted way.
- To stop someone from harassing you including such as by sending you threatening messages or posting things on social media.
- To stop someone from coming to your home, your child's school or your place of work.
- To prevent a forced marriage.
- To prevent female genital mutilation.
- To prevent someone from removing your children from you or from their school or nursery or taking your child abroad without your consent.
- To stop someone from living in your home or to allow you to return to your home.
- To make arrangements for a particular thing to happen such as changing a child's school or name or for you to move away from where you live with a child.

You might also need the court's support if you and another family member have not been able to agree:

- Who your children should live with.
- Whether your children should see the other parent.
- How the other parent should see the child and how they might maintain a relationship if they do not physically see the child.
- An order preventing contact with a child.
- How family finances and property should be divided.

PART C | What is the role of the Family Court?

Please note that:

1. You may have heard terms like 'custody' and 'access' in relation to children but these terms are no longer used. We now use the terms 'live with' and 'spend time with' for these arrangements.

2. The Family Court does not usually deal with child maintenance payments which are dealt with by the Child Maintenance Service. The following link may be useful: Child Maintenance Service: How to apply - GOV.UK (www.gov.uk

3. This guide will not deal with money which is dealt with by the Financial Remedies Court which is a specialist part of the Family Court. A useful guide for that type of dispute is published by the Family Justice Council. Here is a link to that document: sorting out finances on divorce - guidance 2024 (judiciary.uk)

4. This guide will also not deal with cases where the Local Authority take you to court asking for an order, such as Care Order or a Supervision Order. You are automatically entitled to legal aid in those cases and should get a solicitor immediately.

C2 Where is The Family Court?

In this area, there are Family Courts in Bristol, Bath, Weston Super Mare and Gloucester. For most cases, you will be expected to attend the court, these are called 'attended hearings'; in some cases, you may appear via video link and these are called 'R remote hearings'.

The addresses, email addresses, telephone numbers and web links for all the Family Courts in this area are shown towards the end of this guide (List 4).

PART C | What is the role of the Family Court?

C3 Making an application to The Family Court?

Applicants
If you make an application in the Family Court you are called 'the Applicant.' If you are the Applicant, you will know why you have to go to court because you or your legal advisor will have submitted a form to start the process. When you fill in the form you have to say what order you are requesting.

Respondents
If you receive court papers informing you about a hearing which you have not asked for you are called 'the Respondent'. You need to read the form carefully. It will say what order the other person is requesting and you should also have a form telling you when you have to go to court. The papers may include court orders. It is important that you do what the court orders you to do and that you seek advice if you are unsure about what you are being asked to do. The court can make decisions without you being there so it important that these orders are not ignored.

C4 Who makes the decisions in the Family Court?

In the Family Court, cases are decided either by a legally trained judge (who is legally qualified); or by magistrates (sometimes called 'lay justices') who are volunteers who usually have no legal qualifications but have been trained to deal with family cases and who are supported by a Court Legal Advisor who is legally qualified.

There are two levels of judges who do most of the family work, District Judges and Circuit Judges. Circuit Judges are the more senior and usually do the more difficult cases and hear appeals from decisions made by magistrates and District Judges.

The most difficult cases are heard by High Court judges.

In this guide we use the term 'judge' for the person deciding your case; We also use the term 'wrong' when we say a decision is made which does not follow the law or court rules.

Judges do have considerable flexibility in dealing with cases but they are required to consider and follow the law and explain their decisions. You are entitled to ask a judge to explain his or her decision if you do not understand it or if you believe it does not follow the law and rules that apply.

PART D | Frequently asked questions about proceedings in The Family Court

D1 Can I apply to the Family Court and keep my address and contact details secret?

Yes. The Family Court understands there are situations where you or your children will be at risk if your address is known to the other people involved. If you want to keep your address and details secret, do not put them on any court documents including application forms and statements but do fill in Form C8.

Here is a link:
https://www.gov.uk/government/publications/form-c8-confidential-contact-details-family-procedure-rules-2010-rule-291

D2 What should I do if English is not my first language, or I have any other issues with communication?

You are entitled to have an interpreter in cases involving children and applications for protective orders. Please notify the court immediately if you will need an interpreter telling the court exactly what language is required.
The court can also supply signers for those who are deaf and consider other support to ensure you are able to communicate and participate in the process.

D3 What should I do if I feel vulnerable?

The court regards people who have experienced domestic abuse or who are at risk of domestic abuse as vulnerable. The court has the ability to put protective measures in place to ensure that within the court system victims are protected. Please make the court aware as soon as possible that you have experienced domestic abuse so protective measures can be put in place. Please contact WLO-Bristol-County@justice.gov.uk

D4 What is legal aid and how can I access it?

Legal aid is a form of government financial support which may cover some or all of the costs of legal advice and representation in court.

PART D | Frequently asked questions about proceedings in the Family Court

To qualify for legal aid, you will need to show that:

1. You are a victim of domestic abuse or that your child is at significant risk of harm, and that your case meets the criteria for being funded by the state. (This is called 'the merits test'); and
2. Your income and capital (including savings) are below certain thresholds. (This is called ' the means test')

The merits test

You are required to provide proof that you are or have been a victim of domestic abuse. Examples of the documents you can use to prove this include:

- A letter from a domestic abuse organisation or IDVA confirming you have received or are receiving support;
- A letter from your GP or other health provider such as a Health Visitor or midwife confirming you have been the victim of domestic abuse
- A letter from the police confirming you have been a victim of a domestic abuse crime;
- A non-molestation order;
- A Domestic Violence Protection Order (DVPO).

The means test

The means test is complex and it would be wise to seek legal advice to advise you as to whether you might be eligible.

Your income and capital will be taken into account. This will include any wages and/or benefits, savings and equity in property that you receive or own. If you live with another adult who is not the opposition in your case, their income and capital may also be taken into account.

Even if you qualify for legal aid, you may have to make a financial contribution towards the court costs.

The contact details of all the local solicitors' firms which offer legal aid are shown towards the end of this guide in *List 2.*

PART D | Frequently asked questions about proceedings in the Family Court

D5 I cannot find anyone to represent me, am I allowed to take a friend?

Most Family Court cases are heard in private and that means that only the parties can enter the Court room.

Judges know that this can be very stressful and so they can agree a person to be accompanied in court by a friend, colleague or possibly family member. This person is called a McKenzie Friend.

If you want to bring a McKenzie Friend into court, you need to fill in the form available via the following link:

https://www.findamckenziefriend.com/images/notice_of_mckenzie_friend.pdf

Please complete and email the form to the Family Court before the hearing. If this is not possible, please come to court with the McKenzie Friend and explain the position to the usher when you arrive.

Judges usually allow McKenzie Friends into court but may not do so if they are seen to be too involved in the dispute or may become a witness later on. Please think about this when choosing who you would like to come with you.

McKenzie Friends usually cannot speak for you in court but they can provide you with practical and moral support.

Here is a link to the guidance about McKenzie Friends:

https://www.judiciary.uk/guidance-and-resources/practice-guidance-mckenzie-friends-civil-and-family-courts/

PART D | Frequently asked questions about proceedings in the Family Court

D6 Can I bring a support worker into court?

If you have a support worker from a domestic abuse support organisation they will be allowed into court to support you with the Judge's permission. They will need to tell the usher at court who they are and which organisation they are from.

The rules allow the attendance of an Independent Domestic Violence Advisor or an Independent Sexual Violence Advisor unless there are unusual circumstances.

IDVAs and ISVAs are not legal representatives and you can take a McKenzie friend or lawyer as well as your IDVA or ISVA. The following practice direction may be useful:

https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/practice-direction-27c-attendance-of-idvas-and-isvas

D7 I am frightened about seeing my ex-partner at court, what should I do?

- If you have experienced domestic abuse or feel vulnerable in some other way please take steps to protect yourself whilst at court. These steps are called **'special measures'** or **'participation directions'**.

- The court needs to know that you need these protections. If you are the applicant you need to set out details of the abuse in Form C1A. Here is the link to that form:

https://www.gov.uk/government/publications/form-c1a-allegations-of-harm-and-domestic-violence-supplemental-information-form

If you are the respondent, you can put these details down in the response form:

https://www.gov.uk/government/publications/form-c7-acknowledgment

- You can ask for these protective measures when you fill in your application in either Form C100 or FL401.

- If you are worried about coming to court and want these protections, please email the Witness Liaison Officer on WLO-Bristol-County@justice.gov.uk or the family court office on family.bristol.countycourt@justice.gov.uk.

PART D | Frequently asked questions about proceedings in the Family Court

You can ask for these protections at any time and please do so if you are worried. If you have a solicitor or advice worker, please ask them to ask for these protections for you.

D8 What protections can the court give me?

The court can offer you protective measures whilst you are attending court. These are called 'Participation Directions'.

Section 63 of the Domestic Abuse Act 2021 says that where a person 'is, or is at risk of being, a victim of domestic abuse', the court must assume that their ability to participate in the court process will be diminished because they are vulnerable.

It is the court's duty to consider making participation directions where a person is, or is at risk of being, a victim of domestic abuse carried out by a party, a relative of another party, or a witness in the proceedings.

As such the court must consider whether it is necessary to make one or more participation directions

The court can offer the following protections:

- Screens in court so you do not see the perpetrator
- Separate waiting rooms so you do not come into contact with the perpetrator in the building
- Separate entrances and exits so you do not have to wait in a queue outside the court with the perpetrator
- Video Link Suite. In some courts it is possible to access the hearing from a separate room, please ask about this.
- Remote hearing; If you feel you would be safer not attending court in person, you can request for a hearing conducted via a video link.

These protections are something that the court must consider and if you are left without these protections without good reason the order made is likely to be legally wrong.

PART D | Frequently asked questions about proceedings in the Family Court

D9 What do I have to do when I attend court?

If you have asked for special measures, you should receive clear advice as to where to go at court.

Each court building is different and if you are able to do so, you may find it helpful to visit the court building before the day of your hearing so you can see what it looks like and where things are. This may make attending on the day of your hearing feel less stressful. If you want to visit the court, please contact the court to arrange this.

If you have not asked in advance, when you arrive in court, please tell the usher that you are worried and would like help. They can talk to the judge about special measures even at the very last moment.

When you first arrive at Court you will need to pass through security. Generally, the security guards will not have any details of your case but will be able to tell you where to find the usher.

The usher is the person who sits outside the court room and who helps the judge calling cases into court. They are here to help and are aware of the issue of domestic abuse.

D10 Will I be asked questions by the perpetrator or have to speak to them in court?

No. This is not permitted under the Domestic Abuse Act 2021.

It is also wrong for a judge to ask you to negotiate directly with the perpetrator where domestic abuse has been disclosed.

The special measures should limit any contact with the perpetrator in the court building.
The judge should also make sure that the perpetrator does not speak directly to you or behave inappropriately.

PART E | Personal Protection for you and your children

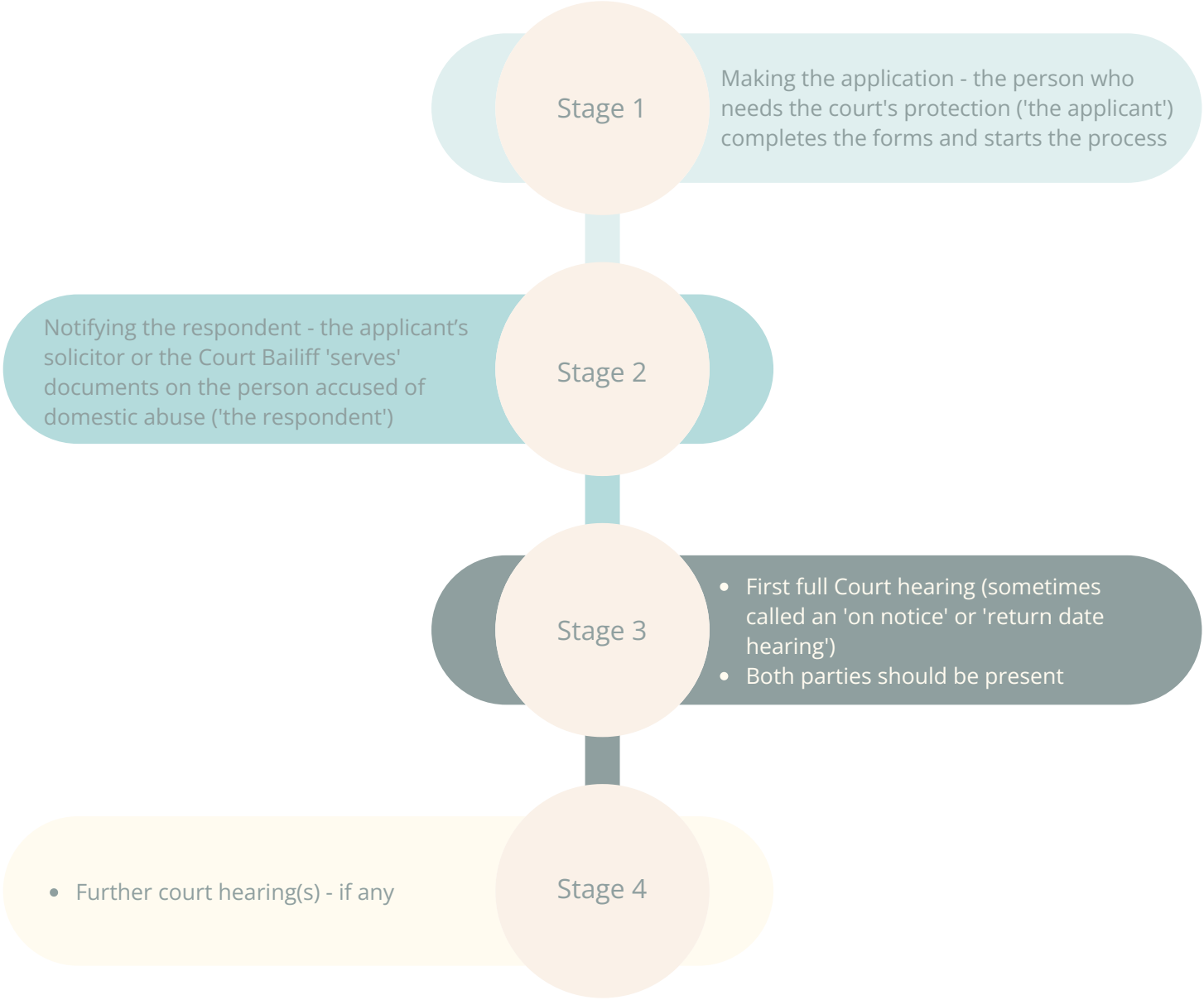
Applications to the Family Court where there are allegations of domestic abuse and/ or an order is needed to say who can live in the family home

E1 In this area, the Family Court sits in:

E2 Where you need the Court's protection for yourself and any children living with you and/ or to determine who should live in the family home, you can apply for one or both of the following:

How to apply for a Non-molestation Order and/or an Occupation Order

Overview of the process:



How to apply for a Non-molestation Order and/or an Occupation Order

The process in more detail.

Stage 1 - Making the application

1 Applicant should complete and sign

1.1 Form FL401

https://www.gov.uk/government/publications/apply-for-a-non-molestation-or-occupation-order-fl401

and...

1.2 **A witness statement showing:**

How the Applicant and Respondent are associated; and (as appropriate):

- why a Non-Molestation Order is needed to secure the Applicant's health, safety or well-being (or that of a relevant child); and
- if an Occupation Order is needed, an explanation of:
- how the home is a dwelling-house which the parties occupied or intended to occupy as their home, and
- why an Order is needed to enable the Applicant to live there and to require the Respondent to leave.

1 Applicant should email or give the documents to the Family Court

2 **Legal Aid**

Applicants may qualify for Legal Aid meaning that a Family Law Solicitor will draft the documents.

3 If the Applicant's address needs to remain secret, s/he should complete Form C8:

https://www.gov.uk/government/publications/form-c8-confidential-contact-details-family-procedure-rules-2010-rule-291

In some cases, the Family Court may be willing to make a temporary non-molestation order to protect the Applicant based on his/ her written application alone. The Applicant or his/ her solicitor should explain in Form FL401 and in the Witness Statement why they think that the Court should make an Order without first notifying the Respondent of the proceedings.

How to apply for a Non-molestation Order and/or an Occupation Order
(continued)

Stage 2 - Notifying the respondent

The application (together with any short-term Order made by the Court) must be delivered to ('served on') the Respondent personally. You must not do so yourself. If you have a solicitor they can arrange service if you are not represented you can apply to court to have the bailiff serve the documents by completing form D89.

1. If the Court makes an Order in the Respondent's absence, the Order will take effect as soon as it is received by the Respondent.

2. The Respondent must obey any Order made the Court (even if they disagree with it). S/he will have a chance to respond in due course.

   They should have time (at least 2 days) to obtain legal advice before the first Court Hearing.

3. If the Respondent's address needs to remain secret, s/he should complete Form C8: https://www.gov.uk/government/publications/form-c8-confidential-contact-details-family-procedure-rules-2010-rule-291

4. If the Applicant believes that the Respondent has breached the terms of any Order, s/he should report the matter to the Police and/or the court. The Respondent may be arrested by the Police and be summoned to return to court.

How to apply for a Non-molestation Order and/or an Occupation Order
(continued)

Stage 3 - First Court Hearing

(sometimes called an 'On Notice Hearing' or 'Return Date Hearing')

1. Both parties must attend (in person or online via MS Teams as directed by the Court).
2. Each party can have a lawyer to represent them and/or a McKenzie Friend to support them.
3. The Applicant may be eligible for Legal Aid to pay their lawyer's fees.
4. If either party needs an interpreter at the Hearing, they should ask the Court in advance about this.
5. If the Applicant has an Independent Domestic Violence Advisor ('IDVA') or an Independent Sexual Violence Advisor ('ISVA'), they can attend Court to support the Applicant.
6. If the Applicant is afraid of seeing or hearing the Respondent before/during the Hearing and/ or when giving evidence, s/he should ask the Court about this in advance of the Hearing as 'special measures' can be put in place.
7. The parties are not expected to negotiate directly with each other before the Hearing but this may change if neither party has a lawyer.
8. The parties are not permitted to ask each other questions during the Hearing.

How to apply for a Non-molestation Order and/or an Occupation Order
(continued)

Stage 3 - at the hearing

- Each party's legal representative (if they have one) will speak on their client's behalf.
- If a party does not have a legal representative, they may be asked to prepare written questions in advance of the hearing, to give to the judge at the Hearing.
- The Judge is likely to ask the Respondent if s/he will agree to an Order being made (even if the Respondent does not accept that the Applicant's allegations are true.)

If the respondent agrees to an Order being made:

1. The Judge decides how long it shall remain in force. This is likely to be 3, 6 or 12 months or until any further Court Hearing.
2. The Order will be enforceable by the Police as explained above.

How to apply for a Non-molestation Order and/or an Occupation Order
(continued)

If the respondent will not agree to an Order being made:

1. The Judge may ask if s/he is willing to give a promise (called an 'Undertaking') to the Court not to molest the Applicant.

2. The Court should only accept an Undertaking where the allegations do not include violence or threats of violence.

If an Undertaking is accepted:

1. The parties will not need to give evidence.

2. The Judge decides how long the Undertaking shall remain in force. This is likely to be 3, 6 or 12 months or until any further Court Hearing.

3. If the Respondent breaches his/ her Undertaking, the Applicant will not be able to rely on the Police to enforce it. The Applicant will have to start 'committal proceedings' to prove that the Respondent has breached their Undertaking. The burden of proof is on the Applicant and the standard of proof is high.

How to apply for a Non-molestation Order and/or an Occupation Order
(continued)

If the Court does not accept an Undertaking or make a final Order at the First Hearing

The Judge will give directions for the continuation of the proceedings and preparation for trial. These are likely to include:

1. A date for the Police to provide any relevant information they have.
2. A date for the Respondent to provide a Witness Statement (setting out their version of events).
3. A date for the Applicant to provide a second Witness Statement.
4. A temporary order to protect the Applicant or any children until the date of the next Hearing
5. A date for the next Hearing with special measures to protect the Applicant (such as a video link) as necessary.

PART F | Orders about children

Applications to the Family Court for an order in relation to your child or children using Form C100.

F1 In this area, the Family Court sits in:

F2 If you need the court:

1. to decide where and with whom your child/ children should live, with whom/ when and how they spend time/ otherwise have contact with another person;
2. to decide where they go to school/ travel arrangements/ or another specific and important issue; or
3. to prevent a person from taking a step that can normally only be taken by a parent in meeting his/ her/ their parental responsibility,

you can apply for one or more of the following:

- A child arrangements order
- A specific issue order
- A prohibited steps order

How to apply for a Child Arrangements, Specific Issue and/ or Prohibited Steps Order where there are allegations of domestic abuse

Overview of the process:

Stage 1
Making the application - the parent or guardian who is requesting a court order ('the applicant') completes the forms and starts the process

Stage 2
Notifying the respondent - the applicant/ the Court 'serves' documents on the other parent ('the respondent')

Stage 3
- 'First Hearing Dispute Resolution Appointment' ('FHDRA')
- Both parties should be present

Stage 4
Fact-Finding Hearing (this does not occur in every case)

Stage 5
Dispute Resolution Appointment ('DRA')

Stage 6
Final Hearing

Stage 7
Outcome

How to apply for a Child Arrangements, Specific Issue and/ or Prohibited Steps Order where there are allegations of domestic abuse

The process in more detail:

Stage 1: Making the Application

1 Applicant should complete and sign:

1.1 Form C100 setting out the order(s) you seek and why

https://www.gov.uk/government/publications/form-c100-application-under-the-children-act-1989-for-a-child-arrangements-prohibited-steps-specific-issue-section-8-order-or-to-vary-or-discharge
and

1.2 Form C1A setting out the domestic abuse you have experienced
https://www.gov.uk/government/publications/form-c1a-allegations-of-harm-and-domestic-violence-supplemental-information-form

Applicant should email or give the documents to the Family Court.

- Applicants may qualify for Legal Aid meaning that a Family Law Solicitor will draft the documents.
- If the Applicant's address needs to remain secret, s/he should complete Form C8: https://www.gov.uk/government/publications/form-c8-confidential-contact-details-family-procedure-rules-2010-rule-291
- In some cases, the Family Court may be willing to arrange an urgent hearing – perhaps because someone has not returned a child following a visit – and make a temporary order to protect the child/ children based on the Applicant's written application alone. The Applicant or his/ her solicitor should explain in Form C100 why they think that the Court should make an Order without first notifying the Respondent of the proceedings.

How to apply for a Child Arrangements, Specific Issue and/ or Prohibited Steps Order where there are allegations of domestic abuse
(continued)

Stage 2: Notifying the Respondent

The application (together with any short-term Order made by the Court) must be delivered to ('served on') the Respondent

1 If the Court makes an Order in the Respondent's absence, the Order will take effect as soon as it is received by the Respondent.

2 The Respondent must obey any Order made by the Court (even if they disagree with it). S/he will have a chance to respond in due course.

They should have time to obtain legal advice before the first Court Hearing.

3 If the Respondent's address needs to remain secret, s/he should complete Form C8: https://www.gov.uk/government/publications/form-c8-confidential-contact-details-family-procedure-rules-2010-rule-291

4 The Children and Family Court Advisory Service ('CAFCASS') will arrange to talk with you and the other parent separately. They may also contact the Police and the local authority, and any other professional to enable them to assess the situation and to write a 'safeguarding letter' to the Family Court. CAFCASS usually sends a copy of their letter to both parties before the First Court Hearing, as well as to the Family Court.

How to apply for a Child Arrangements, Specific Issue and/ or Prohibited Steps Order where there are allegations of domestic abuse
(continued)

Stage 3: The First Hearing Dispute Resolution Appointment'

The First Hearing Dispute Resolution Appointment is often referred to as 'the FHDRA' (pronounced FEDRA')

1 Both parties must attend (in person or online via MS Teams as directed by the Court).

2 Each party can have a lawyer to represent them and/or a McKenzie Friend to support them.

3 The Applicant may be eligible for Legal Aid to pay their lawyer's fees.

4 If either party needs an interpreter at the Hearing, they should ask the Court in advance about this.

5 If a party has an Independent Domestic Violence Advisor ('IDVA') or an Independent Sexual Violence Advisor ('ISVA'), they can attend Court to support the Applicant.

6 If a party is afraid of seeing or hearing the Respondent before/during the Hearing and/ or when giving evidence, s/he should ask the Court about this in advance of the Hearing as 'special measures' can be put in place.

7 The parties are not expected to negotiate with each other before the Hearing but, in practice, there may need to be some communication if neither party has a lawyer.

8 The parties are not permitted to ask each other questions during the Hearing.

9 A victim of abuse should take to Court any written evidence they have of the abuse eg a letter from the Police; their GP; a Domestic Abuse Support Service; your child/ children's school if they have witnessed any incidents. Remember to mask, using a thick black pen, your address/ contact details if these are to be kept secret from the other party.

How to apply for a Child Arrangements, Specific Issue and/ or Prohibited Steps Order where there are allegations of domestic abuse
(continued)

Stage 3: The First Hearing Dispute Resolution Appointment'

Stage 3 continued:

1 Meeting with your CAFCASS Officer

- The CAFCASS Officer will normally speak to the parties immediately before the Hearing.

2 Going before the Judge

- The parties and their legal representatives (if they have one) and the CAFCASS Officer will then go into Court before the Judge.
- Each party's legal representative (if they have one) will speak on their client's behalf.
- The Judge will try and assist the parties to reach agreement about the outcome (if it is in the interests of the child/ren and safe for all concerned)

3 If no agreement can be reached between the parties

The Judge will consider Form C1A and CAFCASS' Safeguarding Letter; identify the areas of disagreement and deal with the following issues:

1. Does the court need to have a fact-finding hearing to find out whether the allegations of domestic abuse are true?

2. Whether mediation has occurred and is appropriate.

3. Whether there are risks to any party.

4. Whether the court needs to have a report ('usually called a Section 8 Report) from CAFCASS or from the Local Authority to investigate the child's wishes and feelings, and whether the child is at risk.

5. Whether the court needs to appoint any other experts.

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How to apply for a Child Arrangements, Specific Issue and/ or Prohibited Steps Order where there are allegations of domestic abuse
(continued)

Stage 3: The First Hearing Dispute Resolution Appointment'

3 If no agreement can be reached between the parties (continued)

6. Whether it is possible to reach an agreement about a final order and if so what protections need to be in place?

7. Whether it is possible to arrange for the children to see the other parent.

8. If so, whether that time needs to be supervised by someone or needs to take place in a contact centre.

9. Dates of further hearings.

Note: Where the results of CAFCASS or CAFCASS Cymru safeguarding checks are not available at the FHDRA, and no other reliable safeguarding information is available, the court must adjourn the FHDRA until the results of safeguarding checks are available. The court must not generally make an interim child arrangements order, or orders for contact, in the absence of safeguarding information, unless it is to protect the safety of the child, and/or safeguard the child from harm.

How to apply for a Child Arrangements, Specific Issue and/ or Prohibited Steps Order where there are allegations of domestic abuse
(continued)

Stage 4: The Fact-Finding Hearing

(Please note that there may not be a fact-finding hearing in every case)

1 Both parties must attend (in person or online via MS Teams as directed by the Court)

2 Each party can have a lawyer to represent them and/or a McKenzie Friend to support them.

3 The Applicant may be eligible for Legal Aid to pay their lawyer's fees.

4 If either party needs an interpreter at the Hearing, they should ask the Court in advance about this.

5 If a party has an Independent Domestic Violence Advisor ('IDVA') or an Independent Sexual Violence Advisor ('ISVA'), they can attend Court to support the Applicant.

6 If a party is afraid of seeing or hearing the Respondent before/during the Hearing and/ or when giving evidence, s/he should ask the Court about this in advance of the Hearing as 'special measures' can be put in place.

7 The parties are not expected to negotiate direct with each other before the Hearing but this may change if neither party has a lawyer.

8 The parties are not permitted to ask each other questions during the Hearing.

9 A victim of abuse should take to Court any written evidence they have of the abuse eg a letter from the Police; their GP; a Domestic Abuse Support Service; your child/ children's school if they have witnessed any incidents. Remember to mask your address/ contact details using a think black felt pen if this information is to be kept secret from the other party.

How to apply for a Child Arrangements, Specific Issue and/ or Prohibited Steps Order where there are allegations of domestic abuse
(continued)

Stage 4: The Fact-Finding Hearing

(Please note that there may not be a fact-finding hearing in every case)

1 Going before the Judge

1 The parties and their legal representatives (if they have one) and any witnesses will go into Court before the Judge.

2 The Judge will ask each party and each witness to swear an oath on a holy book of their choosing, or (if they are not religious) to affirm that they will tell the truth.

3 The person who is making allegations of abuse is usually asked questions first. The person who is accused of abuse will be asked questions second.

4 The hearing may last a day or it may last several days. The length of the hearing depends on the number of allegations and the number of witnesses.

2 The Judge makes a decision

The Judge will consider the evidence and will make a decision in relation to each allegation of abuse. The decision may not be made immediately.

An allegation may be 'proven', 'not proven' or 'proven in part'.

If the judge decides that domestic abuse has occurred, s/he will make further decisions including:

How to apply for a Child Arrangements, Specific Issue and/ or Prohibited Steps Order where there are allegations of domestic abuse
(continued)

Stage 4: The Fact-Finding Hearing

(Please note that there may not be a fact-finding hearing in every case)

1 If the Judge decides that domestic abuse *has* occurred

1 S/he must confirm the facts in writing.

2 S/he must obtain information from local support services to assist a party or child.

3 S/he must consider whether the court needs a report from Cafcass.

4 S/he must consider whether a professional risk assessment of a party would assist the court. If so, Cafcass is usually asked to carry out that assessment.

5 S/he should consider the harm the child and the parent has suffered as a result of domestic abuse, and the risk of future harm.

6 S/he should make sure that any order for contact will not expose a child to an unmanageable risk of harm and will be in the best interest of the child.

7 S/he must consider whether a party needs advice, treatment or other intervention before a child arrangements order is made.

8 S/he may order the perpetrator to undertake certain activities, including ones which 'may, by addressing a person's violent behaviour, enable or facilitate involvement in a child's life'.

9 S/he should only make an order for contact if it is satisfied that the physical and emotional safety of the child and the parent can be as far as possible secured during and after contact and that the parent will not be subject to further domestic abuse.

Practice Direction 12J Para 36(3)(b)

Stage 4: The Fact-Finding Hearing

10 S/he should consider the effects of the abuse on the child, the motivation of the parents including whether one parent is using the court process to continue a form of abuse, the likely behaviour of the parent during contact sessions, and the ability of the person who has carried out abuse to appreciate the effect of their behaviour.

Practice Direction 12J Para 36(3)(b)

The judge in carrying out these assessments should consider the effects of the abuse on the child, the motivation of the parents including whether one parent is using the court process to continue a form of abuse, the likely behaviour of the parent during contact sessions, and the ability of the person who has carried out abuse to appreciate the effect of their behaviour.

2 If the Judge decides that domestic abuse has *not* occurred

1 Domestic abuse can be hard to prove, especially if it occurs in private.

2 Remember this is a court of law. Allegations have to be proven.

3 If you can't prove that domestic abuse happened, the Judge must proceed on the basis that it didn't happen.

4 This does not mean that the Judge has decided that you are not telling the truth. But the Judge's findings can be devastating all the same.

5 Remember that you are still entitled to support and help from domestic abuse organisations.

6 Remember that you can ask for time to consider the situation.

7 If you believe that the Court has made the wrong decision, you should take legal advice on whether you can appeal the decision.

How to apply for a Child Arrangements, Specific Issue and/ or Prohibited Steps Order where there are allegations of domestic abuse (continued)

Stage 5: The Dispute Resolution Appointment

1 This hearing usually takes between 1 hour and 1.5 hours

2 It normally takes place after:
- the court has obtained further advice from CAFCASS in the form of a Section 7 report, or
- a Fact-Finding Hearing.

3 You and the other parent may have been able to agree some things but not others. Or you might not have been able to agree anything.

4 The court will work out what is still in dispute and will try to resolve the issues or narrow them down.

5 If you and the other parent cannot reach an agreement, the court will make a decision for you at a Final Hearing.

6 If there is enough time to do so, the Judge can use the Dispute Resolution Hearing as a Final Hearing, and can hear your evidence and the other parent's evidence.

7 But if you feel that more time or evidence is needed, you can ask the Judge to hold a Final Hearing on another day, and give your reasons why.

8 One reason for asking for a Final Hearing might be because you want to challenge the Section 7 Report in which the CAFCASS Officer has set out their advice to the Court.

9 The Section 7 Report is a key piece of evidence. It should be factually accurate and it should contain the CAFCASS Officer's recommendations.

10 If the Section 7 Report contains factual inaccuracies (such as getting a name, date or place wrong), you should raise them with the CAFCASS Officer as soon as you notice them.

11 If you disagree with the CAFCASS Officer's recommendations, you will want to have a chance to question them at a separate Final Hearing. This is important because although a Judge does not have to follow the CAFCASS Officer's advice, they have to give clear and well-explained reasons if they decide not to follow it.

How to apply for a Child Arrangements, Specific Issue and/ or Prohibited Steps Order where there are allegations of domestic abuse (continued)

Stage 5: The Dispute Resolution Appointment

What to expect at the end of Dispute Resolution Appointment

1 If you and the other parent can't agree a way forward at the Dispute Resolution Appointment, the Judge is likely to:

- List a Final Hearing
- Set out in writing (in an Order) what everyone needs to do after the Dispute Resolution Hearing.

2 The Order:

- Will confirm that a Final Hearing is needed;
- Should confirm the date of the Final Hearing, where it will take place and how long it will last;
- May ask you to send written questions to the CAFCASS Officer so that they can respond to them in writing (in what is called an 'addendum report');
- May ask you to make a written statement, setting out, as clearly as possible:
  - Your position and what Order you want to the court to make; and
  - Any objections you have to the CAFCASS Officer's advice and/ or to the other parent's proposals;
- May ask the other parent to make a written statement too (addressing the same issues as above); and
- May require the CAFCASS Officer to attend the Final Hearing.

How to apply for a Child Arrangements, Specific Issue and/ or Prohibited Steps Order where there are allegations of domestic abuse (continued)

Stage 6: The Final Hearing

1 Before the Hearing, the Judge will read your witness statement and that of the other parent, and any other written evidence provided.

2 At the Hearing, you and the other parent, and your legal representatives, McKenzie Friends, and IDVAs (if there are any), will go before the Judge.

3 Usually:
- The person who made the application will be asked questions first;
- The other parent will be asked questions next; and
- The CAFCASS Officer will be asked questions last (having heard both parents' evidence).

4 Remember that if you are a victim of domestic abuse, you must not be asked questions by the perpetrator. Someone else (eg a Qualified Legal Representative, or the Judge) will have to ask you questions.

5 Remember that if you are not legally represented, the Judge can put your questions to the other party.

6 Each party can then make some final comments (called 'submissions'). Usually:
The parent who received the application ('the respondent') speaks first;
The parent who made the application ('the applicant') speaks last.

7 The Judge will then make a decision (called 'giving judgment'). The Judge may be able to do this at the end of the Hearing or they may need to go away and think about their decision and let you know their decision on another day (in a written judgment).

8 If the Judgment is given in writing, you can ask the Court to list a Hearing so that the decision can be explained to you and you can ask questions about it.

9 The Court will turn the decision into a Court Order.

How to apply for a Child Arrangements, Specific Issue and/ or Prohibited Steps Order where there are allegations of domestic abuse (continued)

Stage 7: The Final Hearing
The Outcome

1 What should you do if:

- You think there is a minor error in the Order; or
- You feel that the Order does not reflect what you and the other party agree/ what the Judge said in Court; or
- You think the Order is wrong?
- New events occur or the situation changes?

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1.1 If there is a minor error in the Order, it can be corrected using the 'Slip Rule' described below.

1.2 If the Order does not seem to reflect what the parties agreed or what the Judge said in court, it may be necessary to obtain a copy of the transcript of the Hearing.

1.3 If a party is unhappy with the outcome of the Final Hearing, the only way forward is to appeal the order.

Please note that:

- It is not possible to appeal an order simply because you don't like the Court's decision. There must be grounds for an appeal.
- The party wishing to appeal the Order needs to obtain legal advice as quickly as possible.
- There are very strict time limits for appealing an order. Usually, an appeal must be made within 21 days of the date the decision was made (ie usually within 21 days of the date of the Final Hearing).

1.4 If new events occur or the current situation changes – perhaps in two years' time – a party can apply to vary the terms of the original order.
The other party might agree to the variation – in which case the Court might be willing to change the original order with the parties' consent - or the parties might need to submit written evidence and attend another Court Hearing.
If one party keeps applying to the Court without a good reason, the Court might regard this as a form of domestic abuse and make a 'Section 91(14) Barring Order' to stop that party from making repeat applications.

PART G | Frequently Asked Questions about proceedings concerning children where there are allegations of domestic abuse

G1 How does the Family Court make decisions about children, where there are allegations of domestic abuse?
Unfortunately, there is no simple answer.

1 *The Children Act 1989*

The most important guide is the Children Act 1989. This says that when deciding any question with regards to children "the child's welfare shall be the court's paramount consideration". Paramount means the most important.

It also says that:

- Delay is likely to be harmful to children and this tells the court to try and make decisions as quickly as is safe. Often these cases do take some time to resolve and there are almost always several hearings.
- The court's starting point is that both parents being involved in a child's life is in the child's best interests. However, it also clearly says that where the involvement of one parent puts the child at risk of harm, then that starting point should not apply. It is necessary for there to be evidence to show that the child would be at risk and that there are not ways of overcoming that risk by putting measures or protective steps in place.

A checklist in Section 1(3) of the Children Act 1989 lists the issues a court should consider when making decisions. Here is a link to that section but it is important to see that one of the factors is the wishes and feelings of the children which become more significant as the children grow older:

Children Act 1989 (legislation.gov.uk)

2 *The Family Procedure Rules 2010*
The Family Court has a set of rules called the Family Procedure Rules 2010. Within those rules are Practice Directions which set out the correct procedure in detail.
Practice Direction 12J

Practice Direction 12J tells the Family Court how it should deal with allegations of domestic abuse. This guide will set out how these rules can be used to protect you and your children:
PRACTICE DIRECTION 12J - CHILD ARRANGEMENTS & CONTACT ORDERS: DOMESTIC ABUSE AND HARM (justice.gov.uk)

This set of rules along with the Domestic Abuse Act 2021 set out important protections for victims of domestic abuse.

PART G | Frequently Asked Questions about proceedings concerning children where there are allegations of domestic abuse

G2 Who are CAFCASS and do I need to speak to them?

The Children and Family Court Advisory Service (known as CAFCASS) give the court advice as to what they believe is best for children. They describe their role as follows:

"*We represent the interests of children and young people in the family court. We independently advise the family courts about what is safe for children and in their best interests. We focus on their needs, wishes and feelings, making sure that children's voices are heard and are at the heart of the family court's thinking and decision making*."

When you speak to CAFCASS it is a chance to express your concerns about the situation. It is often the first chance you have to share any experience of domestic abuse that you or your child/ren have experienced and what you think is best for your child/ren.
It is important you do speak to them so your voice is heard.

CAFCASS has a website which has lots of useful resources. Here is a link:

https://www.cafcass.gov.uk/

G3 What happens at the First Hearing Dispute Resolution Appointment ('FHDRA')

3.1 Can the court order contact at a FHDRA?

The court has a duty to consider if contact can take place. It can order contact if it decides contact is safe.

3.2 What type of contact can the court order at a FHDRA?

The court can order the following types of contact:

- Indirect contact: this can be contact by letter, email, text or video call such as FaceTime;
- Direct contact: this is face-to-face contact where the child spends time with the parent;
- Supervised contact: this is where direct contact takes place but another person is present sometimes a family member or a professional;
- Contact centre contact: this is where contact takes place in a centre organised for this type of meeting between children and parents. This can be supervised where a worker will be with the particular child at all times or supported where the contact takes place in a more relaxed manner and where the contact worker may be in the background managing a number of families.
- Supported contact: in this type of contact another person is present but may not be watching over the contact at all time.

3.2 What type of contact can the court order at a FHDRA? (continued)

The National Association of Child Contact Centres has a helpful website setting out information including describing the types of contact in more detail:

https://naccc.org.uk/

Find your local contact centre here:

https://naccc.org.uk/find-a-centre/

3.3 Do I have to pay for the contact centre?

Most contact centres, particularly where supervision is required, charge for their services.

However, a High Court judge has recently said, 'there must be a very strong presumption against a victim of domestic abuse paying for the contact of their child with the abuser'.

This means the starting point is that the victim will not have to pay, but that the other parent will have to pay. The full details are set out in the link below at paragraphs 130 to 132.

Griffiths v Griffiths (Guidance on Contact Costs) [2022] EWHC 113 (Fam) (20 January 2022) (bailii.org)

3.4 What do I do if I think contact is not safe?

You may decide that a certain type of contact is safe and another type is not. If so, you can share your reasoning with professionals.

If you do not think any contact is safe, you need to say why you feel that the more restrictive types of contact are not safe as the judge may want to consider them.

In their safeguarding letter, CAFCASS will give advice about what contact (if any) they think is safe and the judge should seriously consider their advice.

Again, the court has to say why it sees contact as safe and set those reasons out in the order. If a court orders contact where there is domestic abuse and does not explain how it has considered the risk, the order is wrong.

If something happens during child contact which makes you feel it has become unsafe you can report your concerns to CAFCASS. They should inform the court to advise of a changed or increased risk.

3.5 Can family members help?

All families are different but, in some families, there may be a trusted adult who is prepared to support contact to take place without becoming involved in the dispute. They will need to agree not to discuss the case or become involved.

If you have family members who may be prepared to support this process you should speak to them before the FHDRA and ask them if they are prepared to support and in what capacity.

It may be that the other parent suggests family members may be able to help. In this scenario, discuss this with the CAFCASS officer to decide if you should agree to this. If you do not agree, please think about how you can explain your objections.

3.6 What is a Section 7 report?

A judge may order a specialist report to gather more information. These reports are usually called a Section 7 report. They are written by CAFCASS or the Children's Services department of the local authority. A Local Authority should only write the report if they have been involved with the child in the last 3 months.

The CAFCASS website has a summary of the way this report is written. Read the summary here:

https://www.cafcass.gov.uk/parent-carer-or-family-member/applications-child-arrangements-order/court-process-and-what-expect/court-asks-fca-write-report-if-your-case-goes-beyond-first-hearing-section-7-reports

3.7 What is a section 37 report?

In a small number of cases, the judge will order the Local Authority to write a Section 37 report. This is a request to the Local Authority to investigate to see if they need to take protective action in relation to a child. If a section 37 report is written, please seek professional or legal advice.

3.8 Will CAFCASS speak to me and my child when writing the report?

Yes. The writer will speak to you and probably visit you to see you with your child. If your child is going to school or educational setting, they will usually speak to your child without you being present. This is done in a way that is appropriate to your child's age, usually through activities and games. They will not be interviewed or questioned in the way an adult would or asked to make decisions.

3.9 Will I see the report before the next hearing?

Yes, the report should be sent to you prior to the hearing. In the very rare case where there is risk in sharing information, the CAFCASS officer will tell you what they have done and what their recommendation is.

3.10 Will I have to negotiate with my ex-partner out of the court room?

No. Practice Direction 12J Paragraph 9 says:

'Where any information provided to the court before the FHDRA or other first hearing...indicates that there are issues of domestic abuse which may be relevant to the court's determination, the court must ensure that the issues are addressed at the hearing, and ***the parties are not expected to engage in conciliation or other forms of dispute resolution which are not suitable/and/or safe'.***

If the other parent is represented by a lawyer, they are likely to ask to speak to you or your legal representative. They have an obligation to the court to try and work out what the issues in the case are.

It is often useful to speak to them before going into court but if you feel you are being bullied into agreeing something, then raise that with the judge in court; you do not have to agree to any recommendations made by the other party's legal representative.

3.11 How do I share my experience about domestic abuse to the judge?

At the FHDRA, the judge should have your Form C1A and the safeguarding letter to tell them that you have experienced domestic abuse. If there is a CAFCASS officer at court, you should tell them. You should also have special measures like screens which in a very practical way tells the judge you have worries about domestic abuse. You are entitled to have an IDVA or support worker with you and again that alerts the judge that you are concerned about domestic abuse. If you have not previously requested special measures speak to the usher or court staff who can put them in place.

It is the duty of the court to recognise you are vulnerable because of domestic abuse and it is the duty of the court to take this into account.
Practice Direction 3AA Para 1.3 and Para 2.2

It is not your responsibility to ensure you are protected and if you do not feel safe make that clear to the judge, usher, CAFCASS officer or if your ex-partner has a lawyer to that lawyer.

PART G | Frequently Asked Questions about proceedings concerning children where there are allegations of domestic abuse

3.12 How will the judge deal with my experience of domestic abuse at this hearing?

Because a judge knows you have made allegations of domestic abuse, they have to look at your case in an entirely different way, focusing on the issues of risk and safety.

The overriding issue is that at this stage your concerns are often allegations rather than proven facts. One of the decisions the Judge has to make at the FHDRA is whether to order a hearing called a Fact-Finding Hearing to establish the facts about events either you or your partner say happened.

3.13 What should happen at the FHDRA if no safeguarding information is available?

Practice Direction 12B
A very important protection is set out in Practice Direction 12B Paragraph 14.13(d) which reads:

"*If the safeguarding information is not available at the FHDRA, the court should adjourn the application until the safeguarding checks are available. Interim orders (unless to protect the safety of a child) should not be made in the absence of safeguarding checks.*"

This is repeated in Practice Direction 12J Paragraph 12 which says:

"*The court must not generally make an interim child arrangements order, or order for contact, in the absence of safeguarding information, unless it is to protect the safety of the child, and/or safeguard the child from harm.*"

This means that if there is not a safeguarding letter (or safeguarding information from another source such as the local authority) a judge should not make an order for a child to spend time with a parent where there are allegations of risk.

For those who have experienced domestic abuse it is very important that the judge looks at that issue at the FHDRA. The rules are clear and say:

"*The court must, at all stages of the proceedings, and specifically at the First Hearing Dispute Resolution Appointment consider whether domestic abuse is raised as an issue, either by the parties or CAFCASS…and if so must*

- *identify at the earliest opportunity (usually at the FHDRA) the factual and welfare issues involved;*
- *consider the nature of any allegation, admission or evidence of domestic abuse, and the extent to which it would be likely to be relevant in deciding whether to make a child arrangements order and, if so, in what terms;*

- *give directions to enable contested relevant factual and welfare issues to be tried as soon as possible and fairly;*

- *ensure where domestic abuse is admitted or proven, any child arrangement order in place protects the safety and wellbeing of the child and the parent with whom the child is living and does not expose either of them to the risk of further harm; and*

- *ensure that any interim child arrangements order (i.e considered by the court before determination of facts and in the absence of admissions) is only made having followed the guidance in paragraphs 25-27 below.*

I*n particular the court must be satisfied that any contact ordered with a parent who has perpetrated domestic abuse does not expose the child/and/or the parent to the risk of harm and is in the best interest of the child*."

It is wrong for the court not to consider any issues you raise about domestic abuse at this hearing and if the court fails to look at these issues any order it makes is wrong.

The court must write in the order whether domestic abuse has been raised and must state whether it considers those allegations to be relevant to the decision it must make. The court must also specifically state whether the child or any parent would be at risk of harm by the making of any child arrangements order. Practice Direction 12J Para 14

This is another very important protection for you. The court must state in any order that it has looked at this issue and that it is satisfied that the order made is safe for you and your children. If the court does not do this the order is wrong.

PART G | G4
Fact-finding Hearings - FAQs

4.1 How does the court decide whether there needs to be a fact find?

If one party makes allegations of domestic abuse during family court proceedings which the other party denies, the Judge will consider whether there should be a fact find.

A fact-finding hearing can cause delay in a case and takes a lot of court time. A judge will only order a fact-finding hearing if it is necessary to hold one to provide information relevant to a safeguarding or welfare issue in the case.

A safeguarding and/or welfare issue looks at the children and would include where the children live and whether they see the other parent. If they are to see the other parent, welfare issues would include whether protections need to be in place.

When deciding whether to order a fact-finding hearing, the judge must consider:

- the nature of the allegations and the extent to which those allegations are likely to be relevant to the making of a child arrangements order;
- that the purpose of a fact finding is to allow assessment of the future risk to the child and the impact of any abuse on the child;
- whether fact-finding is necessary or whether other evidence is sufficient
- whether fact-finding is proportionate.

Let's take those in turn:

4.2 What type of allegations are relevant?

Domestic Abuse takes many forms, and it is wrong to say one type of behaviour is more serious than another. It is very important that the court recognises any pattern of behaviour and the effects of actions (some of which when seen on their own may not appear so important). The judge has to understand what allegations are being made and decide how they are pertinent. Here it is important for the judge to have as much information as possible. If you or your children are frightened or feel unsafe, the judge needs to know this and you can help by giving examples. These could include:

- Avoiding arguments because you fear aggression or abuse;
- Taking yourself away from situations. This can be as significant as moving to a refuge but could include leaving the home temporarily to avoid confrontation;
- Being harassed by constant requests for contact or information;
- Being told what should happen and when.
- Being harassed or stalked (including online) post-separation.

Fact-finding Hearings- FAQs

4.3 What is the purpose of a fact find?

The first purpose is to establish if you and the children are at risk. The second purpose is to look at the effect of abuse. And any future risk of abuse towards you and your children. There are rules set out in Practice Direction 12J FPR PD 12J paragraphs 16 and 17 which deal with this issue.

If you believe that the judge cannot make that decision about risk without knowing the facts, then you or your lawyer need to clearly set out any concerns and what you feel the risks are. It is important to see that risk includes risk of emotional harm. The Domestic Abuse Act 2021 say the following:

"1(3) Behaviour is "abusive" if it consists of any of the following—
(a) physical or sexual abuse;
(b) violent or threatening behaviour;
(c) controlling or coercive behaviour;
(d) economic abuse (see subsection (4));
(e) psychological, emotional or other abuse; and it does not matter whether the behaviour consists of a single incident or a course of conduct."

4.4 Will a fact find always be necessary where there is domestic abuse?

No. A fact-finding hearing would not be needed if, for example, the other parent admitted the allegations of domestic abuse, or if there was evidence of the other parent accepting a police caution or of being convicted of a criminal offence.

4.5 What does the word proportionate mean in this situation?

Something is proportionate if the time and effort spent are reasonable to achieve the outcome. For example, if the domestic abuse was limited to shouting and arguments at the very end of a relationship and some years have passed since then without problems, it probably will not be proportionate to have a fact find because establishing what happened in that case would not change the order the court makes.

Fact-finding Hearings - FAQs

4.6 Is a fact-find a good thing for me?

If you were subject to domestic abuse and you believe it has caused harm to you and your children and your former partner denies causing harm, you are likely to want a finding of fact because you will either want to stop all contact or have conditions placed on it.
It is very difficult for a court to prevent contact or place significant restrictions on contact without having facts to justify that. These facts may well have to come from a fact-finding hearing if your former partner will not accept this behaviour or voluntarily accept such restrictions.

4.7 Is it too late for me to access support?

No, at any stage in the process you can seek support using the links set out above.

4.8 What do I do if the court does not agree with me?

The court has to set out why it has decided not to have a fact find where allegations of domestic abuse have been made in the order.
Practice Direction 12J Paragraph 18

This means an order is wrong if you have set out allegations in form C1A and there is no mention of a decision not to have a fact find in the court order. Ask the judge to set out their reasons in the order.

If you remain unhappy with this decision, you should take legal advice about whether you can appeal that decision.

Please see List 5 with regards to appeals and complaints procedures.

Fact-finding Hearings - FAQs

4.9 Can my ex-partner ask me questions in court?

No. Section 65 of the Domestic Abuse Act 2021 stops the perpetrator asking you questions directly where there are allegations of domestic abuse.

The same act created a scheme to appoint lawyers to act as Qualified Legal Representatives. These are often called 'QLRs'. If a QLR is appointed, their job is to ask you questions on the perpetrator's behalf. This is not the same as them acting as a lawyer for your ex-partner; they will not give them advice or help them with their side of the case. The QLR's job is only to ask you questions on their behalf at the hearing.

In many cases, there is no one available to be the QLR. In that case, the judge may ask you questions on behalf of the perpetrator. This does not mean the judge is taking sides or has decided anything. You should not be concerned by this; it is just a way of avoiding the perpetrator speaking directly to you.

Where you have made allegations in relation to domestic abuse, there is no situation where you should be asked questions directly by the perpetrator. Any situation where that happens is wrong.

4.10 Do I have to ask the perpetrator questions?

No. It is the responsibility of the judge to help you by asking questions. This is set out in the rules:

"the judge should be prepared where necessary and appropriate to conduct the questioning of the witnesses on behalf of the parties, focusing on the key issues in the case."
Practice Direction 12J Para 28

4.11 Can I have witnesses in court?

It is the responsibility of the judge to decide what the issues are to be heard at a fact-finding hearing. That involves deciding what evidence is required and ordering statements from witnesses who are relevant. The judge must also decide:

'What evidence the alleged victim of domestic abuse is able to give and what support the alleged victim may require at the fact-finding hearing in order to give that evidence.'
Practice Direction 12J Para 19(j)

Fact-finding Hearings - FAQs

You will need to tell the judge why those witnesses are necessary to help the court establish facts. If the judge decides that witnesses are necessary, they can come to court and give evidence.

4.12 How do I obtain evidence from the police and children's services?

The court can order that the police and children's services or any safeguarding professional can provide copies of documents they have relating to your case. Children's Services do not charge for these documents.

The police do charge and at court there will need to be a discussion about who pays this charge. If any party has legal aid it may be possible to ask for legal aid funds to cover the cost if the other side cannot afford the fee.

4.13 What will happen at the hearing?

The judge will ask any witness to either swear an oath on a holy book of your choosing, or if you are not religious promise by making an affirmation to tell the truth. They will then be questioned on their evidence. The usual procedure is for the person who is making allegations of abuse to be asked questions first and then the person who is accused of abuse to be asked questions after that.

The judge will then come to a decision on each of the allegations that have been made. The decision can be that the allegation is 'proven,' 'not proven' or 'proven in part'. Usually the Judge will not make this decision immediately after the evidence has finished. There will be a break for the Judge to consider everything they have heard and you will be asked to come back at a certain time, or even on another day to hear their decision.

4.14 How long will the hearing last?

The length of any finding of fact hearing depends on the number of allegations and the number of witnesses. They can last from one day up to a number of days.

Fact-finding Hearings - FAQs

4.15 Can the court take my childcare needs into account?

The court must try at all times to reduce delay and that means listing cases for as short a time as they can properly be heard. Because of this, the judge will want you to be at court during most of the court day (which starts at 10.00am and usually ends at 4.00pm or 4.30pm). The court will expect you to make arrangements for childcare during any hearing. If it is impossible for you to arrange suitable childcare, please notify the court and the judge as soon as possible, providing evidence if it is available.

There are no childcare facilities available at the Court and it is generally not appropriate for children to be brought to the court building. As a rule, children will not be allowed into the courtroom itself. There are exceptions that can be made if you are breastfeeding:

- you can breastfeed and express milk while you are using our buildings
- our public areas are breastfeeding and expressing friendly
- if you prefer you can breastfeed or express in private, and you will be given access to rooms in which you can do this.

4.16 What happens if the judge decides domestic abuse has occurred?

The judge has a number of responsibilities after a fact find:

- The judge must set out in writing the facts it has decided are true.

Practice Direction 12J Para 29

- The judge must consider whether the court now needs a report from CAFCASS

Practice Direction 12J Para 30

- The judge should share information about local support services to assist any party or child where domestic abuse has occurred

Practice Direction 12J Para 32

- The judge must consider whether it would be helped by a professional risk assessment of any party, and if so direct such assessment (usually through a report from CAFCASS)

Practice Direction 12J Para 33(a)

- The judge must consider whether any party should seek advice, treatment or other intervention before a child arrangements order is made

Practice Direction 12J Para 32(b)

- The judge may order the perpetrator does certain activities including ones which 'may, by addressing a person's violent behaviour, enable or facilitate involvement in a child's life'; Children Act 1989 Section 11A (5) (a) (ii)

Fact-finding Hearings - FAQs

G4 Fact-finding hearings

4.16 What happens if the judge decides domestic abuse has occurred? (continued)

- The judge should make sure that any order for contact will not expose a child to an unmanageable risk of harm and will be in the best interest of the child;

Practice Direction 12J Para 35

- The judge should consider the harm the child and the parent has suffered as a result of domestic abuse;

Practice Direction 12J Para 36 (2) (a)

- The judge should further consider the risk of future harm;

Practice Direction 12J Para 36 (2) (b)

- The judge should only make an order for contact if it is satisfied that the physical and emotional safety of the child and the parent can be as far as possible secured during and after contact

Practice Direction 12J Para 36(3)(a)

- and that you will not be subject to further domestic abuse;

Practice Direction 12J Para 36(3)(b)

- The judge in carrying out these assessments should consider the effects of the abuse on the child, the motivation of the parents including whether one parent is using the court process to continue a form of abuse, the likely behaviour of the parent during contact sessions, and the ability of the person who has carried out abuse to appreciate the effect of their behaviour.

Practice Direction 12J Para 37

There is a lot to consider and it would be entirely reasonable for you to take some time to consider your position and take advice from an IDVA or domestic abuse support at this stage.

A finding of fact may allow you to re-apply for legal aid.

PART G | G4
Fact-finding Hearings - FAQs

G4 Fact-finding hearings

4.17 What happens if a Judge has decided domestic abuse has not occurred?

If no factual findings are made, the court moves forward on the basis that no abuse has occurred. This can be a devastating finding for some people.

It is important to remember that in all but rare cases what the Judge has decided is that the allegation is 'not proven' on the evidence available. This does not mean that the Judge has decided you are not telling the truth.

Evidence can be difficult to obtain as domestic abuse often happens behind closed doors. This does not mean that you have not suffered abuse and are not entitled to support from the organisations or professional support services available, but it does mean that the Court cannot take any allegation that has not been proven into account when making a final decision.

It is reasonable to ask the court for some time to consider the situation. If you are worried that the court has made the wrong decision you should take advice about whether you can appeal that decision.

Please see **List 5** with regards to appeals and complaints procedures.

PART G | G5
The Dispute Resolution Hearing

5.1 What is a dispute resolution hearing?

This a hearing which usually takes place after the court has obtained further advice from CAFCASS in the form of a Section 7 report or following a Fact-Finding Hearing.

The court will decide what are the remaining issues which are disputed and will try to resolve the issues or at least narrow them down if a final hearing is going to be necessary. For example, it may be possible that you and your ex-partner are able to decide some things about the children's care but not others. Where you are not able to reach an agreement, the Court will need to make that decision for you.

5.2 Can the judge use a Dispute Resolution Hearing as a Final Hearing?

Yes, the judge can use the dispute resolution hearing as a final hearing and can hear evidence at this hearing. Usually, these hearings are listed for an hour or ninety minutes but it is often very difficult to decide things where the parents have very different views at this type of hearing.

If you are surprised to be asked questions at this hearing, you may want to ask the judge to adjourn to a final hearing, explaining why more time or evidence is needed.

5.3 How important is the Section 7 Report?

The Section 7 Report is a key piece of evidence. It should be an independent document setting out the background, outlining what investigations have taken place and then giving the court advice. A judge does not have to follow the advice given but, if they decide not to follow the advice, they must give clear and well explained reasons.

5.4 How do I challenge the advice given in the Section 7 report?

Sometimes the report may have factual inaccuracies such as getting a name, date or place wrong, misquoting something you or the other party said or failing to include important information that you told the CAFCASS Officer. You should raise this with the CAFCASS Officer as soon as possible. This will allow the CAFCASS Officer to check the report and, if necessary, make amendments.

A recommendation in the Section 7 report that you are not happy with is different from a factual inaccuracy. You have the right to challenge the recommendation at the Final Hearing. Before the hearing, you will need to consider and prepare carefully the questions you wish to ask the CAFCASS Officer at the Final Hearing.

The Dispute Resolution Hearing

5.4 How do I challenge the advice given in the Section 7 report? (Continued)

Some judges may ask you to put your questions into writing so the CAFCASS officer can respond in an 'addendum report'. If you want to challenge the CAFCASS officer and their recommendations, or believe that they have failed to properly analyse the situation, you can request they attend the final hearing so that you can ask them questions.

5.5 What further evidence can I put forward at this stage?

If there is a Final Hearing, the judge will usually request a statement from you and the other party, clearly setting out your position about what the final order should be and setting out any objections you have to the CAFCASS Officer's advice to the court or the other parent's proposals. This is known as a position statement.

5.6 How do I prepare a witness statement?

There are rules setting out the format of a witness statement in Family Procedure Rules Practice Direction 22A:

https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_22a

There are a number of sample forms available and the following two may assist:

- The President of the Family Division has provided a guidance note which has an example of a statement attached:

https://www.judiciary.uk/wp-content/uploads/2022/07/PFD-memo-on-witness-statements-12112021.pdf

- Form C120 is another example which may help:

https://www.gov.uk/government/publications/form-c120-witness-statement-template-child-arrangements-parental-dispute

5.7 If we cannot agree the way forward at a DRA what happens?

In that case the judge is likely to list a Final Hearing and set out in an order the steps everyone must take to be ready for that hearing.

PART G | G6
The Final Hearing

If the parties have been unable to reach an agreement, the court will need to list a final hearing so that a decision can be made.

Both parents will need to give further evidence and may be asked further questions. The CAFCASS Officer is often present to give the court final advice and answer any questions the judge or the parents have.

Before the hearing, the judge should have read any statements provided and these are the basis of the evidence they consider.

The order of evidence can be changed by the judge, but usually the person who made the application goes first, followed by the other parent, with the CAFCASS Officer going last (having heard the evidence of the parents).

Each person can be asked questions and if any party is unrepresented, the judge should assist them by asking questions on their behalf.

A victim of domestic abuse must not be asked questions directly by the perpetrator and should be assisted in asking questions themselves. Please see the advice given in relation to Fact Finding hearings above which sets out the rules.

After hearing all the evidence, each parent should be asked if they want to make any final comments. These are called 'submissions'. Usually the person who received the application (the respondent) goes first and the person who made the application (the applicant) goes last. The judge will then make a decision, and will give that decision in what is called a 'judgment'. This can be on the same day, live in court, or occasionally may be given in writing on another day.

If the judgment is given in writing, you have the right to request a hearing to have the decision explained and to enable you to ask questions about it.

The decision is then turned into an 'order' which will set out the final decision of the court.

6.1 Can I be represented at the final hearing if I have not had a lawyer before?

Yes, it is possible to have legal assistance even at the last stage of proceedings.

The Final Hearing

6.2 Are there any resources which will assist me finding a representative?

It is possible to have a barrister for the final hearing alone. Many barristers' chambers operate what they call a 'direct/ public access scheme'. This allows members of the public to use a barrister for a hearing without having a solicitor.

The organisation which regulates barristers, The Bar Council, have a portal which provides a link to barristers who provide direct access services.

https://www.barcouncil.org.uk/bar-council-services/for-the-public/direct-access-portal.html

6.3 How can I be protected at a final hearing?

You are entitled to exactly the same protections through special measures at the final hearing as at any other.

PART G | G7
The Outcome

Family court cases can take a long time, but at the end of the process there should be a final order outlining where the child lives and whether and how they see the other parent.

If situations change or new events occur, you can apply to the court to **vary** the order. This is usually a new application which starts the process again. The court will not expect this to happen frequently or, in most circumstances, in a short period of time after a final hearing.

If your ex-partner does not get what they want and makes another application quickly, or makes regular applications, this in itself can be considered as a form of domestic abuse and the Court can take steps to prevent this, including making an order preventing your ex-partner making more applications. This is known as a **'S.91(14) Barring Order'**.

7.1 Appeals

If you are unhappy with the outcome, your only way forward is to **appeal** the order. There are limited reasons for being allowed to do so and an appeal cannot be made just because you do not like the decision of the court. The same applies to your ex-partner; they cannot simply appeal the order because they did not get what they wanted.

You will need specific legal advice in relation to an appeal but please note there are strict time limits to make an appeal which are usually 21 days from the date the decision was made. The date of the decision is usually the date of the hearing and not the date when you receive the order.

Please see List 5 of this document for further information regarding the appeals process.

LIST 1 | Support with Domestic Abuse

Organisation	What they do/How they can help	Website	Contact number
FearFree (Wiltshire)	Services for victims of Domestic Abuse and their families	https://www.fearfree.org.uk/refer/wiltshire/	01225 775276
GALOP (LGBTQ+)	Support for LGBT+ people who are victims of domestic abuse	https://galop.org.uk/	0800 999 5428
GDASS (Gloucestershire)	Domestic abuse support for all, including LGBTQ+	https://www.gdass.org.uk/	01452 726 561 support@gdass.org.uk
(The) Iranian And Kurdish Women's Rights Organisation (DA, FORCED MARRIAGE, HONOUR BASED VIOLENCE)	Support for domestic abuse, forced marriage and honour-based violence	https://ikwro.org.uk/	0207 920 6460
Karma Nirvana	Honour based abuse	https://karmanirvana.org.uk/	0800 5999 247
ManKind	Men's support	https://mankind.org.uk/	0808 800 1170
Men's Advice Line	Men's support	https://mensadviceline.org.uk/contact-us/	0808 8010 327
Nextlink	Support for all victims of domestic abuse	https://nextlinkhousing.co.uk/	0800 4700 280
Nilaari	BAME/ Mental Health network For People Of Colour	https://nilaari.co.uk/	0117 952 5742

LIST 1 | Support with Domestic Abuse (continued)

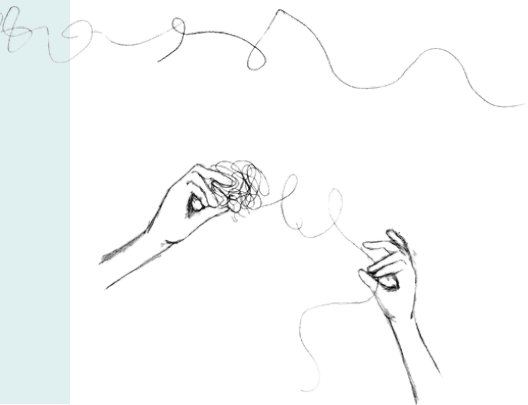
Organisations that can help you:

Organisation	What they do/How they can help	Website	Contact number
Opoka	Support for women victims of domestic abuse – specifically in the Polish community	https://www.opoka.org.uk/	Polish – 0300 365 1700 English – 0117 427 0012
Paladin	For victims of stalking	https://www.paladinservice.co.uk	0203 8664107
Refuge (National Domestic Abuse Helpline)	Support for women victims of domestic abuse	https://refuge.org.uk/i-need-help-now/how-we-can-help-you/	020 7395 7700
Rights of Women	Support for women victims of domestic abuse	https://www.rightsofwomen.org.uk/	020 7251 6575
Safelink	Support for all victims of domestic abuse	https://safelinksupport.co.uk/improving-access-to-domestic-and-sexual-violence-services-for-lgbt-communities/	0333 323 1543
SARSAS	Support for women victims of sexual abuse	https://www.sarsas.org.uk/resources/domestic-violence/	0808 801 0456
SDA (Somerset)	For anyone who needs advice about domestic abuse	https://somersetdomesticabuse.org.uk/	0800 69 49 999

LIST 1 | Support with Domestic Abuse (continued)

Organisations that can help you:

Sign Health	Support for deaf people	https://signhealth.org.uk/	020 3947 2600
Sistah Space	Support for African and Caribbean women victims	https://www.sistahspace.org/	020 7846 8350
Southside (Bath)	Support for victims of domestic abuse	https://south-side.org.uk/	01225 331 243 Enquiries@south-side.org.uk
We are Hourglass	Support for elderly abuse victims	https://wearehourglass.org/	080 8808 8141
Woman Kind Bristol	Mental health support for women victims of domestic abuse	https://www.womankindbristol.org.uk/	0345 458 2914 or 0117 916 6461
Women's Aid	Support for women victims of domestic abuse	https://www.womensaid.org.uk/information-support/	Online Chat https://chat.womensaid.org.uk/



LIST 2 | Legal Advice and Representation

Local solicitors (by area and in alphabetical order) that offer legal advice and representation

Name of Firm	Location	Family Work	Legal Aid	Domestic Violence
BRISTOL				
AMD	Bristol	Yes	No	Yes
Apple Tree Family Law	Bristol	Yes	No	No
Avon & Somerset Family Law	Bristol	Yes	Yes	Yes
Barcan + Kirby	Bristol	Yes	Yes	Yes
Bartons Solicitors	Bristol	Yes	No	Yes
Battrick Clark	Bristol	Yes	Yes	Yes
BLB Solicitors	Bristol	Yes	No	Yes
Bobbetts Mackan	Bristol	Yes	No	No
Brigstow Family Law	Bristol	Yes	No	Yes
BS Singh & Co	Bristol	Yes	No	Yes
Buckles	Bristol	Yes	No	No
Burges Salmon	Bristol	Yes	No	No
Carbon Law Partners	Bristol	Yes	No	No
Clarke Wilmott	Bristol	Yes	No	No
Cooke Painter	Bristol	Yes	No	Yes

LIST 2 | Legal Advice and Representation

Bristol Legal Firms continued

Name of Firm	Location	Family Work	Legal Aid	Domestic Violence
BRISTOL				
Daniel Woodman & Co	Bristol	Yes	No	Yes
Davies & Partners	Bristol	Yes	No	No
Duncan Lewis	Bristol	Yes	Yes	Yes
FDC Law	Bristol	Yes	Yes	Yes
Harbour Family Law	Bristol	Yes	No	Yes
Henriques Griffiths Solicitors	Bristol	Yes	Yes	Yes
Hoole & Co	Bristol	Yes	No	Yes
Irwin Mitchell	Bristol	Yes	No	Yes
Kelcey & Hall	Bristol	Yes	Yes	No
Lyons	Bristol	Yes	No	Yes
Lyons Bowe	Bristol	Yes	No	Yes
Lyons Davidson	Bristol	Yes	No	No
Marc White & Co	Bristol	Yes	No	No
National Legal Service	Bristol	Yes	No	No
Poole Alcock Family Law	Bristol	Yes	No	No
Reeds Solicitors	Bristol	Yes	No	Yes

LIST 2 | Legal Advice and Representation

Bristol Legal Firms continued

Name of Firm	Location	Family Work	Legal Aid	Domestic Violence
BRISTOL				
Robertsons Family Law	Bristol	Yes	No	No
Shakespeare Martineau	Bristol	Yes	No	No
SH Family Law	Bristol	Yes	No	Yes
Simpson Millar	Bristol	Yes	No	No
Star Legal	Bristol	Yes	No	No
Stowe Family Law	Bristol	Yes	Yes	Yes
South West Family Law	Bristol	Yes	No	No
The Family Law Practice	Bristol	Yes	No	Yes
TLT	Bristol	Yes	No	Yes
Thrings	Bristol	Yes	No	No
VWV	Bristol	Yes	No	Yes
Walker Family Law	Bristol	Yes	Yes	Yes
Wards	Bristol	Yes	No	No
Watkins	Bristol	Yes	No	Yes
Woolley & Co	Bristol	Yes	No	No

LIST 2 | Legal Advice and Representation

Bath and North Somerset Legal Firms

Name of Firm	Location	Family Work	Legal Aid	Domestic Violence
BATH				
Battens	Bath	Yes	Yes	Yes
Laker Legal Services	Bath	Yes	No	Yes
Poole Alcock Family Law	Bath	Yes	Yes	Yes
RWK Goodman	Bath	Yes	Yes	Yes
Sharp Family Law	Bath	Yes	No	No
South West Family Law	Bath	Yes	No	No
Stone King	Bath	Yes	No	No
Stowe Family Law	Bath	Yes	Yes	Yes
Thrings	Bath	Yes	No	No
Watkins	Bath	Yes	No	Yes
NORTH SOMERSET				
Alletsons	North Somerset	Yes	Yes	Yes
Ash Clifford	North Somerset	Yes	Yes	Yes
Avon & Somerset Family Law	North Somerset	Yes	Yes	Yes

LIST 2 | Legal Advice and Representation

North Somerset & South Gloucestershire Legal Firms

Name of Firm	Location	Family Work	Legal Aid	Domestic Violence
NORTH SOMERSET				
Berry Redmond Gordon & Penny	North Somerset	Yes	Yes	Yes
BGW	North Somerset	Yes	No	Yes
Powells Law	North Somerset	Yes	Yes	Yes
The Family Solicitor	North Somerset	Yes	No	No
Walker Family Law	North Somerset	Yes	Yes	Yes
Wards	North Somerset	Yes	No	No
SOUTH GLOUCESTERSHIRE				
Barcan + Kirby	South Gloucestershire	Yes	Yes	Yes
Bevan Evemy	South Gloucestershire	Yes	No	No
Co-Op Legal Services	South Gloucestershire	Yes	No	Yes
Gordon Lowe & Co	South Gloucestershire	Yes	No	No
Wards	South Gloucestershire	Yes	No	No

LIST 2 | Legal Advice and Representation

Gloucester Legal Firms

Name of Firm	Location	Family Work	Legal Aid	Domestic Violence
GLOUCESTER				
AB Family Law	Gloucester	Yes	No	Yes
Avon & Somerset Family Low	Gloucester	Yes	Yes	Yes
Davies & Partners	Gloucester	Yes	?	Yes
Dee & Griffin	Gloucester	Yes	No	No
DF Legal	Gloucester	Yes	No	No
Family Law Made Easy	Gloucester	Yes	No	Yes
Langley Wellington	Gloucester	Yes	Yes	No
Luttons Dunford	Gloucester	Yes	No	No
Poole Alcock Family Law	Gloucester	Yes	Yes	Yes
Reeds Solicitors	Gloucester	Yes	Yes	Yes
Tayntons	Gloucester	Yes	Yes	Yes
WSP	Gloucester	Yes	Yes	Yes

LIST 3 | Law Clinics that can offer free initial advice

Please have a look at the following web pages for information about pro-bono advice:

https://www.lawworks.org.uk/legal-advice-individuals
https://www.lawworks.org.uk/legal-advice-individuals/find-legal-advice-clinic-near-you

UWE Law Clinic
Address
Faculty of Business and Law
Bristol Business School
Bristol
BS16 1QY
Website
Website: https://www.uwe.ac.uk
Email: lawclinic@uwe.ac.uk

Bristol Law Centre Advice Clinic
Bristol Law Centre
2 Hide Market
West Street
Bristol
BS2 0BH
https://www.bristollawcentre.org.uk
01179248662
lawclinic@bristollawcentre.org.uk

University of Law Bristol Legal Advice Clinic
Temple Circus
Temple Way
Bristol
BS1 6HG
http://www.law.ac.uk/about/legal-advice-for-the-public/
(080) 028-9997
probono-bristol@law.ac.uk

University of Bristol Law Clinic
8-10 Berkeley Square
Bristol
BS8 1HH
http://www.bristol.ac.uk/law/law-clinic/
0117 3940082
bristol-lawclinic@bristol.ac.uk

Bath Law Clinic
2 Edgar Buildings
Bath
BA1 2EE
https://www.citizensadvicebanes.org.uk/lawclinic/
08082787897
anna.carver@cab-banes.org

Wilsthire Law Clinic
Sanford House
Sanford Street
Swindon
SN1 1HE
https://wiltslawcentre.org.uk/
01793 486926
info@wiltslawcentre.co.uk

LIST 4 | Local Family Courts

Local family courts are listed below:

THE FAMILY COURT AT BRISTOL
Bristol Civil and Family Justice Centre 2 Redcliff Street
Bristol
BS1 6GR
Tel no for Family queries: 0117 366 4880
Email address for Family queries (including C100 applications):
family.bristol.countycourt@justice.gov.uk
https://www.find-court-tribunal.service.gov.uk/courts/bristol-civil-and-family-justice-centre

THE FAMILY COURT AT BATH
The Law Courts
North Parade Road
Bath
BA1 5AF
Tel no for Family queries: 01225 476730
Email address for Family queries (including C100 applications):
av-bathcounty@justice.gov.uk
https://www.find-court-tribunal.service.gov.uk/courts/bath-law-courts-civil-family-and-magistrates

THE FAMILY COURT AT GLOUCESTER
Kimbrose Way
Gloucester
GL1 2DE
Tel no for Family queries:
01452 834 900
Email address for Family queries (including C100 applications):
family.gloucester.countycourt@justice.gov.uk
https://www.find-court-tribunal.service.gov.uk/courts/gloucester-and-cheltenham-county-and-family-court

THE FAMILY COURT AT WESTON-SUPER-MARE
North Somerset Courthouse
The Hedges, St Georges
Weston-Super-Mare
BS22 7BB
Tel no for Family queries: 01934 528 700
Email address for Family queries (including C100 applications):
weston-s-marecountycourt@justice.gov.uk
https://www.find-court-tribunal.service.gov.uk/courts/weston-super-mare-county-court-and-family-court

LIST 5 | Appeals, Slips & Complaints

1: Appealing an Order

Either party can appeal in proceedings where an order was made, or the court refused to make an order.

An appeal will be allowed if the decision was found to be:

- Wrong.
- Unjust because of a serious procedural or other irregularity in the proceedings in the lower court.

The procedure for appeals (including the time limits) must be strictly followed. Please see: https://www.justice.gov.uk/courts/procedure-rules/family/parts/part_30

2: The 'Slip' Rule

Typographical errors, accidental slips or omissions in judgments and orders that have occurred in court or when a judgment or order is being drawn up can be amended under the slip rule. In certain cases, accidental slips or omissions can be corrected by a court officer without referring them to a judge or court legal adviser. Please see:

https://www.justice.gov.uk/courts/procedure-rules/family/parts/part_29
and Rule 29.16 in particular:

Correction of errors in judgments and orders
FPR 29.16

(1) The court may at any time correct an accidental slip or omission in a judgment or order.
(2) A party may apply for a correction without notice.

3: Obtaining a transcript

of a hearing in the Family Court

When might it be desirable to obtain a transcript of a hearing in the Family Court?

A party may be concerned that there is, for example, a discrepancy between what took place in a Court Hearing and what is recorded in a Court Order.

Most, but not all, Court Hearings are recorded.

It is possible, but can be very costly, to obtain a transcript of court proceedings using Form EX107.

Please study the guidance and forms available via the following links and write to the Court without delay if you wish to obtain a transcript of a particular Hearing and/ or need help with the cost:

https://www.gov.uk/apply-transcript-court-tribunal-hearing

https://www.gov.uk/government/publications/order-a-transcript-of-court-or-tribunal-proceedings-form-ex107

4: Feedback & Complaints

If you wish to give feedback or report a concern about a service you have received, the following information may be useful:

To report a concern about a solicitor or barrister, please:

1. Contact their firm or chambers or law clinic concerned

2. If the issue is not resolved, you can contact the following:

- **Law Society (if your complaint concerns a solicitor)**

https://www.lawsociety.org.uk/public/for-public-visitors/using-a-solicitor/complain-about-a-solicitor

- **Bar Standards Board (if your complaint concerns a barrister)**

https://www.barstandardsboard.org.uk/for-the-public/reporting-concerns.html

3. If the issue (with a solicitor or barrister) remains unresolved, you can contact the:
Legal Ombudsman

https://www.legalombudsman.org.uk/how-to-complain/

4. If you wish to give feedback or make a complaint in relation to CAFCASS, please use the following link:

https://www.cafcass.gov.uk/contact-us/feedback-and-complaints

5. If you wish to give feedback or make a complaint in relation to the conduct of a Judge, please use the following link:

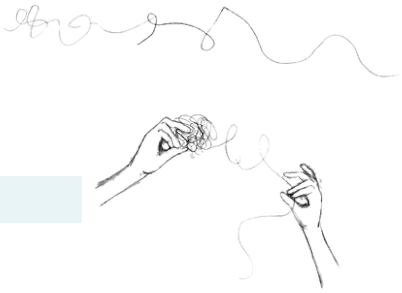
https://www.complaints.judicialconduct.gov.uk/

6. If you wish to give feedback or make a complaint in relation to the conduct of a magistrate in Avon, Somerset or Gloucestershire, please use the following link:

sw-advisory@justice.gov.uk

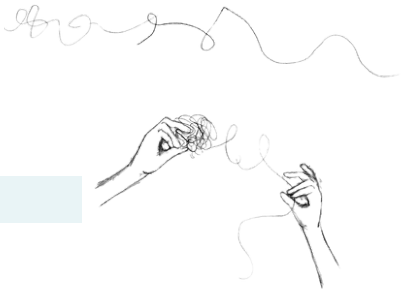
6. If you wish to give feedback or make a complaint in relation to the conduct of the Police, please use this link

Index



Who is this guide for?	6
Are you safe?	6
If domestic abuse is happening to you, please seek help.	6
Where can I get help?	6
What is domestic abuse?	6
What is the Family Court?	6
Can I apply to the Family Court and keep my address secret?	6
What decisions can the Family Court make?	6
Where is the Family Court?	6
Who makes decisions in the Family Court?	6
How does the Family Court make decisions about children?	6
How does the court deal with domestic abuse?	6
Why do I have to go to the Family Court?	6
What should I do if English is not my first language, or I have any other issues with communication?	6
What should I do if I feel vulnerable?	6
Where can I get help and representation?	6
What is legal aid and how can I get it?	6

Index



I cannot find anyone to represent me, am I allowed to take a friend?	6
Can I take a support worker?	6
I am frightened about seeing my ex-partner at court, what should I do?	6
What protections can the court give me?	6
What do I have to do when I attend court?	6
Will I be asked questions by me ex-partner or have to speak to them in court?	6
What types of hearing are there in the Family Court?	6
Non Molestation and Occupation Orders: Hearings	6
Orders about Children	6
Who are CAFCASS and do I need to speak to them?	6
What evidence do I need to show I have experienced domestic abuse?	6
The FHDRA	6
How do I explain my worries about domestic abuse to the judge?	6
Will I have to negotiate with my ex-partner out of the court room?	6